

NO. _____

21 - 5846

ORIGINAL

FILED

AUG 19 2021

OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

LUKE W. CAIN -PETITIONER

VS.

ROBERT BURTON, WARDEN -RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

THE CALIFORNIA SUPREME COURT

PETITION FOR WRIT OF CERTIORARI

LUKE W. CAIN

CALIFORNIA HEALTH CARE FACILITY

STOCKTON, CALIFORNIA 95213

RECEIVED

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SUPREME COURT, U.S.

I
QUESTION(S) PRESENTED

1 GENERALLY, A FEDERAL COURT MAY NOT REVIEW A STATE COURT SENTENCE THAT IS WITH-
2 IN THE STATUTORY LIMITS. IT MAY VACATE A SENTENCE, HOWEVER IF IT WAS IMPOSED
3 IN VIOLATION OF THE CONSTITUTION, LAWS, OR TREATIES OF THE UNITED STATES.

4
5 THE DOUBLE JEOPARDY CLAUSE DOES NO MORE THAN PREVENT THE SENTENCING COURT FROM
6 PRESCRIBING GREATER PUNISHMENT THAN THE LEGISLATURE INTENDED. (SEE MISSOURI V.
7 HUNTER, 459 U.S. 359, 368-369.) AN INFORMATION WAS FILED AGAINST THE PETITIONER
8 IN THE STATE COURT, CHARGING HIM WITH FOUR COUNTS OF KIDNAPING FOR ROBBERY, SIX
9 COUNTS OF ROBBERY, AND ONE COUNT OF DISUADING A WITNESS FOR WHICH HE WAS SUB-
10 SEQUENTLY FOUND GUILTY OF. THOUGH BOTH THE PROSECUTOR AND THE TRIAL COURT CON-
11 CEEDED THAT PETITIONER'S ENTIRE GOAL WAS TO ROB THE VICTIMS AND WHEN THE MOVE-
12 MENT BEGAN, IT WAS TO FURTHER HIS GOAL TO ROB THEM. (IN EXAMPLE, IT WAS ONE INTENT
13 AND OBJECTIVE AND A CONTINUOUS COURSE OF CONDUCT) THE TRIAL COURT NEVERTHELESS
14 IMPOSED SEPERATE PUNISHMENTS FOR COUNTS 5 AND 9 DURING A SINGLE TRIAL.

15
16 MULTIPLE PUNISHMENTS ARE PERMISSIBLE "WHEN THE LEGISLATIVE INTENT IS CLEAR
17 FROM THE FACE OF THE STATUTE OR THE LEGISLATIVE HISTORY." (GARRETT V. UNITED
18 STATES, 471 U.S. AT 799) HERE, PENAL CODE § 669 AUTHORIZES MULTIPLE PUNISHMENTS
19 FOR MULTIPLE OFFENSES REGARDLESS OF WHETHER THEY ARISE OUT OF THE SAME TRIAL,
20 THE SAME ACT OR COURSE OF CONDUCT OR UNDERLYING CIRCUMSTANCES. PENAL CODES §§
21 954 AND 654 DO NOT AUTHORIZE MULTIPLE PUNISHMENTS FOR MULTIPLE OFFENSES ARISING
22 OUT OF THE SAME TRIAL, THE SAME ACT OR COURSE OF CONDUCT OR UNDERLYING CIRCUM-
23 STANCES. BECAUSE THE LEGISLATURE'S INTENT IS NOT CLEAR FROM THE FACE OF THE
24 PENAL CODES ON WHETHER MULTIPLE PUNISHMENT'S ARE PERMISSIBLE AND BECAUSE THE
25 TRIAL COURT IMPOSED SEPERATE SENTENCES DURING A SINGLE TRIAL FOR ONE CONTIN-
26 UOUS COURSE OF CRIMINAL CONDUCT, THE ONLY QUESTION AS TO THE ISSUE OF MULTIPLE
27 PUNISHMENT THEN IS THE LEGISLATIVE INTENT IN ENACTING THE ABOVE PENAL CODES.

28 THE QUESTIONS PRESENTED ARE: WHAT PUNISHMENT'S ARE CONSTITUTIONALLY

1 PERMISSIBLE ? AND WHETHER PETITIONERS CONSECUTIVE SENTENCE IS CONSTITUTIONALLY
 2 PERMISSIBLE ?

3

4

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 14 CONSTITUTIONALLY PERMISSIBLE FOR MULTIPLE OFFENSES IS
 15 NOT CLEAR ON IT'S FACE.

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17 BECAUSE THE SENTENCING COURT IMPOSED GREATER PUNISH-
 18 MENT THAN THE LEGISLATURE INTENDED, PETITIONER'S
 19 SENTENCE MAY NOT BE CONSTITUTIONALL PERMISSIBLE.

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22 ORDER DENYING THE PETITION FOR REVIEW, CALIFORNIA SUPREME COURT, MAY 26, 2021.

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CASE	TABLE OF AUTHORITIES	PAGE (S)
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1
PETITION FOR WRIT OF CERTIORARI

1 LUKE W. CAIN RESPECTFULLY PETITIONS FOR A WRIT OF CERTIORARI TO REVIEW THE
2 DENIAL OF THE PETITION FOR REVIEW IN THE SUPREME COURT OF CALIFORNIA.

3
4 OPINIONS AND ORDERS BELOW

5 OPINIONS AND ORDERS FROM THE CALIFORNIA STATE COURTS

6 THE MAY 26, 2021 ORDER OF THE SUPREME COURT OF CALIFORNIA DENYING MR. CAIN'S
7 PETITION FOR REVIEW IS ATTACHED AT APP.1. THE MARCH 19, 2021 ORDER OF THE CALI-
8 FORNIA COURT OF APPEALS, FOURTH APPELLATE DISTRICT, DIVISION TWO DENYING MR.
9 CAIN'S PETITION FOR WRIT OF HABEAS CORPUS IS ATTACHED AT APP.2. THE NOV 13, 2020
10 ORDER OF THE RIVERSIDE SUPERIOR COURT DENYING MR. CAIN'S PETITION FOR WRIT OF
11 HABEAS CORPUS IS ATTACHED AT APP. 3.. . . .

12
13 JURISDICTION

14 THIS PETITION ARISES FROM PROCEEDINGS ON AN APPLICATION FOR WRIT OF HABEAS
15 CORPUS, FILED PURSUANT TO 28 U.S.C § 2254. THE SUPREME COURT HAS APPELLATE
16 JURISDICTION TO REVIEW THIS CASE UNDER 28 U.S.C. § 1257 (a). THE SUPREME COURT
17 OF CALIFORNIA FILED ITS ORDER DENYING THE PETITION FOR REVIEW ON MAY 26, 2021,
18 THIS PETITION IS TIMELY PURSUANT TO SUPREME COURT RULES 13 AND 30.1.

19
20 CONSTITUTIONAL AND STATUTORY PROVISIONS

21 THIS CASE INVOLVES THE APPLICATION OF 28 U.S.C. § 2254 WHICH PROVIDES: A FED-
22 ERAL COURT MAY ENTERTAIN A PETITION FOR WRIT OF HABEAS CORPUS "IN BEHALF OF A
23 PERSON IN CUSTODY PURSUANT TO THE JUDGMENT OF A STATE COURT ON THE GROUND
24 THAT HE IS IN CUSTODY IN VIOLATION OF THE CONSTITUTION OR LAWS OR TREATIES OF
25 THE UNITED STATES;" 28 U.S.C. § 2254(a). THE WRIT OF HABEAS CORPUS LIES WHEN THE
26 TRIAL COURT HAS SENTENCED A DEFENDANT TO A TERM IN EXCESS OF THE MAXIMUM PRO-
27 VIDE BY LAW.... THE WRIT WILL ISSUE... TO REVIEW AN INVALID SENTENCE WHEN,
28 WITHOUT THE REDETERMINATION OF ANY FACTS, THE JUDGMENT MAY BE CORRECTED TO

1 " ACCORD WITH THE ONLY OTHER POSSIBLE DETERMINATION IN THE CIRCUMSTANCES." THE
 2 APPLICABILITY OF A STATUTE IS A QUESTION OF LAW WHEN THE FACTS ARE CONCEEDED.
 3 NEAL, SUPRA, 55 CAL. 2D 11.) THIS CASE ALSO INVOLVES THE LEGISLATIVE INTENT
 4 OF CALIFORNIA'S PENAL CODE § 654 AND ITS APPLICATION WHICH PROVIDES: IF THE SEV-
 5 ERAL CHARGES ARE TRIED IN A SINGLE PROCEEDING, THE DEFENDANT MAY BE FOUND GUI-
 6 LTY OF ALL THE OFFENSES, BUT UNDER P.C. [§] 654, ONLY ONE PUNISHMENT MAY BE IMP
 7 POSED. IT FURTHER HOLDS: IF MANY OFFENSES WERE INCIDENT TO ONE OBJECTIVE, A DEF
 8 ENDANT MAY ONLY BE PUNISHED FOR THE OFFENSE CARRYING THE GREATEST PUNISHMENT.
 9 (SEE 1 WITKIN, SUMMARY OF CALIFORNIA CRIMINAL LAW 3D (WEST LAW(2000) CHAPTER
 10 III DEFENSES § 168)(SEE ALSO GOODEL, 243 CAL. APP. 4TH 484.) THIS CASE ALSO
 11 INVOLVES THE DOUBLE JEOPARDY CLAUSE OF THE FIFTH AMENDMENT WHICH PREVENTS THE
 12 SENTENCING COURT FROM PRESCRIBING GREATER PUNISHMENT THAN THE LEGISLATURE INT-
 13 ENDED. (MISSOURI V. HUNTER, 459 U.S. 359). IT INVOLVES P.C. §§ 669 AND 954 ALSO.

14 STATEMENT OF THE CASE

15 A JURY FOUND MR. CAIN GUILTY OF KIDNAPING FOR ROBBERY AND ROBBERY, THE COURT
 16 STAYED SENTENCE IN COUNTS 6, 7, 9, 10, AND 11 UNDER P.C. § 654, BUT IMPOSED SEPE-
 17 RATE PUNISHMENT'S IN COUNT'S 5 AND 9. ON HABEAS MR. CAIN CONTENTED THAT REVER-
 18 SAL IS REQUIRED BECAUSE HIS SENTENCE WAS FUNDAMENTALLY UNFAIR, IN VIOLATION OF
 19 DUE PROCESS (LUKE W. CAIN ON HABEAS, CASE NO. RIC2004095) THE RIVERSIDE COURT
 20 REJECTED THE CLAIMS. MR. CAIN FILED A NEW HABEAS IN THE COURT OF APPEALS, FOU-
 21 RTH APPELLATE DISTRICT, DIV. TWO, THIS COURT ALSO DENIED RELIEF. MR. CAIN FILED
 22 A TIMELY PETITION FOR REVIEW IN THE CALIFORNIA SUPREME COURT. HE ARGUED: THE
 23 STATES MISAPPLICATION OF ITS OWN SENTENCING LAWS AND STATUTORY COMMANDS OF P.C.
 24 654 WAS FUNDEMENTALLY UNFAIR AND RESULTED IN AN UNAUTHORIZED SENTENCE AND THAT
 25 THERE WAS INSUFFICIENT EVIDENCE TO SUPPORT A FINDING OF SEPERATE INTENTS AND
 26 OBJECTIVES IN COUNTS 5 AND 9 IN VIOLATION OF DUE PROCESS. THE CALIFORNIA SUPREME
 27 COURT DENIED HIS PETITION WITHOUT CITATION TO ANY CASES ON MAY 26, 2021. THIS
 28 PETITION FOR WRIT OF CERTIORARI FOLLOWS:

THIS CASE INVOLVES QUESTIONS OF CONSTITUTIONAL MAGNITUDE, IT ALSO INVOLVES A VIOLATION OF THE DOUBLE JEOPARDY CLAUSE OF THE FIFTH AMENDMENT AND A VIOLATION OF THE FOURTEENTH AMENDMENT'S DUE PROCESS GUARANTEE AT SENTENCING. BECAUSE THE QUESTION OF WHETHER THE PUNISHMENTS IMPOSED BY THE RIVERSIDE SUPERIOR COURT AFTER CAINES'S CONVICTION UPON CRIMINAL CHARGES ARE UNCONSTITUTIONALLY MULTIPLE CANNOT BE RESOLVED WITHOUT DETERMINING WHAT PUNISHMENTS THE CALIFORNIA LEGISLATIVE BRANCH AUTHORIZED AS CONSTITUTIONALLY PERMISSIBLE, REVIEW OF THIS CASE IS NECESSARY.

ARGUMENT ONE

WHAT PUNISHMENTS THE LEGISLATIVE BRANCH AUTHORIZED AS CONSTITUTIONALLY PERMISSIBLE FOR MULTIPLE OFFENSE IS NOT CLEAR ON ITS FACE.

IN ALBERNAZ V. UNITED STATES (1980), 450 U.S. 333, 344, THE COURTS HELD "THE QUESTION OF WHAT PUNISHMENTS ARE CONSTITUTIONALLY PERMISSIBLE IS NOT DIFFERENT FROM THE QUESTION OF WHAT PUNISHMENTS THE LEGISLATIVE BRANCH INTENDED TO IMPOSE. (SEE WHALEN V. UNITED STATES, (1980), 445 U.S. 684, 688) HOLDING "THE QUESTION OF WHETHER PUNISHMENTS IMPOSED BY A COURT AFTER A DEFENDANT'S CONVICTION UPON CRIMINAL CHARGES ARE UNCONSTITUTIONALLY MULTIPLE CANNOT BE RESOLVED WITHOUT DETERMINING WHAT PUNISHMENTS THE LEGISLATIVE BRANCH AUTHORIZED.

SEVERAL CASES ILLUSTRATE THAT WHERE THERE IS CLEAR EVIDENCE OF LEGISLATIVE INTENT, MULTIPLE SENTENCES ARE POSSIBLE EVEN THOUGH A BLOCKBURGER ANALYSIS WOULD INDICATE OTHERWISE." (UNITED STATES V. WHITE, 116 F. 3D 903, 932.) "EVEN IF ONE CRIME IS A LESSER INCLUDED OFFENSE OF ANOTHER, PUNISHMENTS MAY BE IMPOSED FOR BOTH 'IF CONGRESS INTENDED THAT THEY BOTH BE IMPOSED." (QUOTING UNITED STATES V. BAKER, 63 F.3D 1478, 1494 (9TH CIR. 1995).) THE SUPREME COURT HAS HELD THAT WHEN A DEFENDANT HAS BEEN TRIED AND CONVICTED IN A STATE COURT OF MULTIPLE OFFENSES, EACH INVOLVING DISCRETE STATE COURT SENTENCING PRESCRIPTIONS, IT DOES

1 NOT OFFEND THE FEDERAL CONSTITUTION IF UNDER STATE LAW A STATE JUDGE IS INT-
2 RUSTED WITH DISCRETION TO DECIDE WHETHER THE SENTENCES FOR THE DISTINCT OFFE-
3 NSES SHALL BE SERVED CONSECUTIVELY OF CONCURRENTLY (SEE OREGAN V. ICE, (2009),
4 555 U.S. 160,166, SEE ALSO COLTON V. HALL, 386 FED. APPX. 606,607-09 (9TH CIR,
5 2010)(UNPUBLISHED)(STATE MAY ASSIGN TO JUDGES DESCRETION WHETHER TO IMPOSE
6 CONSECUTIVE SENTENCING)(CITING ICE); PEOPLE V. BLACK, 41 CAL. 4TH 799,821,822,
7 UNDER CALIFORNIA LAW, TRIAL COURT HAS DISCRETION TO DECIDE WHETHER TO IMPOSE
8 CONCURRENT OR CONSECUTIVE SENTENCES FOR DISCRETE OFFENSES.(SEE PENAL CODE §
9 669, REQUIRERING THAT WHEN A PERSON HAS BEEN CONVICTED OF TWO OR MORE OFFENSES
10 THE COURT MAY DECIDE WHETHER THE TERMS ARE TO BE CONCURRENT OR CONSECUTIVELY
11 REGARDLESS OF AGGRAVATING AND/OR MITIGATING FACTORS (i.e., WHETHER TWO DISTINCT
12 CRIMES ARE COMMITTED DURING A SINGLE CRIMINAL EPISODE,) THUS, UNDER THE PLAIN
13 LANGUAGE OF § 669, THERE IS NO PROTECTION FROM MULTIPLE PUNISHMENTS. THIS IS A
14 CLEAR INDICATION OF THE LEGISLATIVE INTENT TO AUTHORIZE AS CONSTITUTIONALLY
15 PERMISSIBLE CONCURRENT OR CONSECUTIVE SENTENCES.

16
17 HOWEVER, ON THE OTHER HAND, CALIFORNIA STATUTORY AND CASE PERMIT CONVICTION
18 OF MULTIPLE OFFENSES BASED ON A SINGLE ACT OR INDIVISIBLE COURSE OF CONDUCT
19 WHILE PROTECTING AGAINST MULTIPLE PUNISHMENTS (§§ 954 AND 654). THUS, UNDER
20 THE PLAIN LANGUAGE OF THESE STATUTES, MULTIPLE PUNISHMENTS MAY NOT BE IMPOSED
21 FOR A SINGLE "ACT OR OMISSION." (§ 654(a).) IN ADDITION, § 654 PROHIBITS MUL-
22 TIPLE PUNISHMENT FOR MULTIPLE ACTS WHICH COMPRISE AN " INDIVISIBLE COURSE OF
23 CONDUCT."(SEE PEOPLE V. HESTER (2000), 22 CAL. 4TH 290,294). AND FURTHER PRO-
24 HIBITS MULTIPLE PUNISHMENT FOR SEVERAL CHARGES TRIED IN A SINGLE TRIAL (SEE
25 I WITKIN, SUMMARY OF CALIFORNIA CRIMINAL LAW 3D (WESTLAW (2000)) CHAPTER III
26 DEFENSES § 168). THIS IS A CLEAR INDICATION OF THE LEGISLATURE'S INTENT NOT
27 TO AUTHORIZE AS CONSTITUTIONALLY PERMISSIBLE CONSECUTIVE SENTENCES WHEN TWO
28 DISTINCT CRIMES ARE COMMITTED DURING A SINGLE CRIMINAL EPISODE COMPRISING AN

1 INDIVIDUAL COURSE OF CONDUCT, AS SEEN ABOVE, DUE TO DIFFERENT PROVISIONS OF
 2 EACH STATUTE AND PENAL CODE, THE LEGISLATIVE INTENT OF WHAT SENTENCE IS AUTHO-
 3 RIZED FOR MULTIPLE OFFENSES IS NOT CLEAR ON ITS FACE, AND BECAUSE THE LEGISLA-
 4 TIVE INTENT IS NOT CRYSTAL CLEAR, THE ONLY QUESTION AS TO THE MULTIPLE PUNISH-
 5 MENTS WOULD BE : WHAT PUNISHMENTS ARE CONSTITUTIONALLY PERMISSIBLE ?

6 ARGUMENT TWO

7 BECAUSE THE SENTENCING COURT IMPOSED GREATER PUNISHMENT THAN THE
 8 LEGISLATURE INTENDED, PETITIONER'S SENTENCE MAY NOT BE CONSTITU-
 9 TIONALLY PERMISSIBLE.

10 BECAUSE THE SUBSTANTIVE POWER TO PRESCRIBE CRIMES AND PUNISHMENTS IS VESTED
 11 WITH THE LEGISLATURE, THE QUESTION UNDER THE DOUBLE JEOPARDY CLAUSE OF WHETHER
 12 PUNISHMENTS ARE "MULTIPLE IS ESSENTIALLY ONE OF LEGISLATIVE INTENT" (SEE BROWN
 13 V. OHIO (1977), 432 U.S. 161; PLACENCIA V. ALAMEIDA, 467 F.3D 1190, 1204 (9TH
 14 CIR. 2006); OHIO V. JOHNSON, 467 U.S. 493, 499.) WITH RESPECT TO CUMULATIVE SENT-
 15 ENCES IMPOSE IN A SINGLE TRIAL, " THE DOUBLE JEOPARDY CLAUSE DOES NO MORE
 16 THAN PREVENT THE SENTENCING COURT FROM PRESCRIBING GREATER PUNISHMENT THAN THE
 17 LEGISLATURE INTENDED." (MISSOURI V. HUNTER 459 U.S. 359, 366; JONES V. THOMAS
 18 (1989) 429 U.S. 376, 381) WHEN THE LEGISLATURE INTENDS TO IMPOSE MULTIPLE PUNI-
 19 SHMENT DOUBLE JEOPARDY IS NOT INVOLVED (PLACENCIA, 467 F.3D AT 1204).

20 WHERE... A LEGISLATURE SPECIFICALLY AUTHORIZES CUMULATIVE PUNISHMENT... A COURTS
 21 TASK OF STATUTORY CONSTRUCTION IS AT AN END AND THE... TRIAL COURT MAY IMPOSE CUMU-
 22 LATIVE PUNISHMENT UNDER SUCH STATES IN A SINGLE TRIAL (MISSOURI V. HUNTER, 459
 23 U.S. 359, 368, 369.) IN CALIFORNIA, THE LEGISLATURE HAS MADE ITS INTENT CRYSTAL
 24 CLEAR, IF THE SEVERAL CHARGES ARE TRIED IN A SINGLE PROCEEDING THE DEFENDANT
 25 MAY BE FOUND GUILTY OF ALL THE OFFENSES, BUT UNDER PENAL CODE § 654, ONLY ONE
 26 PUNISHMENT MAY BE IMPOSED. (SEE 1 WITKIN, SUMMARY OF CALIFORNIA CRIMINAL LAW 3D
 27 (WESTLAW (2000)) CHAPTER III DEFENSES § 168.) SEE ALSO NEAL V. CALIFORNIA, 55
 28 CAL. 2D 11, 118-19) (DISTINCT CRIMES MAY BE CHARGED IN SEPERATE COUNTS IN ONE PRO-

1 CEEDING AND MAY RESULT IN MULTIPLE GUILTY VERDICTS, BUT SENTENCES MAY BE FOR
2 ONE OFFENSE, i.e., THE ONE CARRYING THE HIGHEST PUNISHMENT, PURSUANT TO PENAL
3 CODE § 654.) PENAL CODE § 654 ALSO PRECLUDES MULTIPLE PUNISHMENTS FOR A SINGLE
4 ACT OR INDIVISIBLE COURSE OF CONDUCT. (PEOPLE V. HESTER, (2000) 22 CAL. 4TH 290
5 294.)

6
7 BECAUSE ALL CAINES'S COUNTS FOR KIDNAPING FOR ~~PURPOSES~~ OF ROBBERY AND ROBBERY
8 WERE TRIED IN A SINGLE TRIAL AND THE PROSECUTOR AGREED THAT CAINES WHOLE PURP-
9 POSE WAS TO ROB THE VICTIMS AND WHEN THE MOVEMENT TO THE BANK BEGAN IT WAS TO
10 FURTHER THAT GOAL, AND THE TRIAL JUDGE ALSO CONCEDED THAT THE CRIMES AND OBJ-
11 ECTIVES IN THIS CASE WERE ONE SINGLE INTENT AND OBJECTIVE TO OBTAIN MONEY FROM
12 THE VICTIMS AND WAS A CONTINUOUS COURSE OF CONDUCT, AND BECAUSE IT WAS NOT THE
13 LEGISLATURE'S INTENT TO PERMIT MULTIPLE PUNISHMENTS UNDER THE ABOVE ~~CIRCUMSTANCES~~
14 THE ONLY QUESTION AS TO THE MULTIPLE SENTENCE IMPOSED ON CAINES IS WHETHER THE
15 PETITIONER'S SENTENCE IS CONSTITUTIONALLY PERMISSIBLE ?

16 CONCLUSION

17 BECAUSE THE LEGISLATIVE INTENT OF WHAT PUNISHMENTS ARE CONSTITUTIONALLY PERMISS-
18 SIBLE IS NOT CLEAR ON ITS FACE AND BECAUSE THE RECORD ESTABLISHES ONLY A SINGLE
19 TRIAL IN WHICH MULTIPLE GUILTY VERDICTS WERE FOUND BUT SEPERATE PUNISHMENTS WERE
20 IMPOSED AND BECAUSE THE SENTENCING COURT SPECIFICALLY FOUND THAT THE CRIMES AND
21 OBJECTIVES IN THIS CASE WERE NOT INDIVIDUAL AND SEPERATE ACTS BUT "ONE SINGLE
22 ACT WITH ONE INTENT AND OBJECTIVE" COMPRISING OF ONE CONTINUOUS COURSE OF CON-
23 DUCT. CAINES'S SENTENCE MAY REFLECT A CONSTITUTIONAL VIOLATION AND REVIEW IS
24 NECESSARY TO SETTLE IMPORTANT QUESTIONS OF LAW.

25
26 THE PETITION FOR WRIT OF CERTIORARI SHOULD BE GRANTED.

27 RESPECTFULLY SUBMITTED

28 LUKE W. CAIN

SIGNATURE: 

DATE: 7/19/2021